

THE DAILY CALLER

Critics Say Speed Cameras Destroy Due Process

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“Innocent until proven guilty” is the hallmark of the American justice system, but a growing chorus of critics of speed cameras say the automated traffic enforcement technology flips that principle on its head.

“You see, you almost have to move a mountain, you almost have to have mountain-moving faith,” said John Townsend, AAA Mid-Atlantic manager of public and government affairs. “That’s the most damning thing, that once you get a ticket, it’s almost impossible to prove you didn’t do it. The camera and the camera operator outweighs you.”

Will Foreman, owner of Eastover Auto Parts in Oxon Hill, Md., experienced what he calls a “nightmare” first hand, when cameras in Forest Heights, Md., ticketed his drivers at least 60 times in 2010. He was able to discredit many of the tickets by using a little math, showing the cameras were wrongly ticketing his drivers.

“The most valuable lesson I had from the whole thing is I had a better understanding what it’s like to be poor or a minority in the judicial system, because you’re guilty from the moment you walk in,” Foreman said.

Speed camera programs police 138 localities in the United States, a number that has grown in recent years as the number of red-light camera programs in the country declined. The technology, which advocates insist promotes highway safety, generated hundreds of millions of dollars for those cities, counties and states in 2014.

But automated speed cameras destroy due process, skeptics say. A driver ticketed by a police officer can question that officer in court. The same isn’t true with an inanimate camera.

“You do have a due process right to cross-examine your accuser, and in this case your accuser is a machine,” said Jim Harper, a senior fellow with the libertarian Cato Institute. “The courts should figure out a way to allow people to ensure that the machine is functioning properly.”

That's part of the problem with the legal process, critics say — automated cameras often don't function properly, and it's virtually impossible to check them retroactively.

Judges in the District of Columbia dismissed 35 percent of photo-enforced tickets taken to court in 2013 due to uncertainty over camera accuracy, according to data from the D.C. Department of Motor Vehicles.

The D.C. Office of Inspector General issued a 135-page report on ticketing practices last year, and found the city sometimes issued photo-enforced tickets when officers couldn't conclusively identify the speeding vehicle in the photo.

Sometimes, images didn't match registration information linked to the license plate. Sometimes, photos showed two or more vehicles in an image, making it difficult to tell which driver may have broken speeding laws.

“Unlike red light-violation detection equipment, which has sensors embedded in the pavement at the enforcement site, the district's speed camera technology does not indicate the lane in which the violating vehicle was traveling,” the inspector general said.

Speed cameras also can't identify the driver. The ticket goes directly to the vehicle's registered owner, whether he was driving or not.

Speed cameras, like any technology, can also malfunction — especially in bad weather, Townsend said.

“What happens in the District of Columbia where they have to change the battery for a speed camera every three days,” Townsend said. “And what happens if the battery is weak? Those are the kinds of questions we should be asking.”

A New Jersey court threw out 17,000 photo-enforced speeding tickets last year because a malfunctioning camera system never notified drivers of their infractions.

Nassau County, N.Y., had to dismiss \$2.4 million in speed camera tickets issued last summer for enforcing school zone speed limits when school wasn't in session.

Baltimore's speed camera contractors admitted in 2012 that some of that city's cameras had a 5 percent error rate. The city suspended its photo-enforced speed camera program in 2013.